

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PENDLETON DIVISION

**MARK KAZALONIS,**

Plaintiff,

v.

No. 2:20-cv-01605-SU

**HARNEY COUNTY, OREGON, et al.,**

OPINION AND ORDER

Defendants.

**MOSMAN, J.,**

On April 20, 2021, Magistrate Judge Patricia Sullivan issued her Findings and Recommendation (F. & R.) [ECF 59]. Judge Sullivan recommended that I grant Defendants' Motions to Dismiss [ECF 48, 49] and dismiss this case with prejudice. Plaintiff Mark Kazalonis filed objections. Upon review, I agree with Judge Sullivan.

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of


the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

### CONCLUSION

Upon review, I agree with Judge Sullivan's findings and recommendation, and I ADOPT the F. & R. [ECF 59] as my own opinion. I GRANT Defendants' Motions to Dismiss [ECF 48, 49] and DISMISS this case with prejudice.

IT IS SO ORDERED.

DATED this 15<sup>th</sup> day of June, 2021.

  
MICHAEL W. MOSMAN  
United States District Judge